

Assembly Constitutional Amendment

No. 18

Introduced by Assembly Members Evans and Bass

March 26, 2009

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, amending Sections 8 and 12 of Article IV thereof, and amending Section 3 of Article XIII A thereof, relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

ACA 18, as introduced, Evans. State budget.

(1) The California Constitution requires specified bills, including certain bills making appropriations from the General Fund, and a bill making a change in state taxes for the purpose of raising revenue, to be passed in each house of the Legislature by a $\frac{2}{3}$ vote.

This measure would exempt General Fund appropriations in the Budget Bill from the $\frac{2}{3}$ -vote requirement.

This measure also would permit the Legislature, by majority vote in each house, to propose to the voters a change in a state tax for purposes of increasing revenue through a statute enacting a bill identified in the Budget Bill as necessary to implement the Budget Bill. This measure would provide that, if a majority of the voters approve the statute, it would go into effect the day after the election.

(2) The California Constitution provides that a statute takes immediate effect upon enactment if the statute calls for an election, provides for a tax levy or makes an appropriation for the usual and current expenses of the state, or is an urgency statute. These measures are exempt from the voters' power of referendum to approve or reject a statute.

This measure would add, to those statutes that take effect immediately, statutes enacting the Budget Bill and statutes enacting bills identified in the Budget Bill as necessary to implement the Budget Bill, except for statutes to be proposed to the voters as described above. These statutes, including the statutes to be proposed to the voters, would be exempt from the voters' power of referendum.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 First—That Section 9 of Article II thereof is amended to read:

8 SEC. 9. (a) The referendum is the power of the electors to
9 approve or reject ~~statutes a statute or parts a part of statutes a~~
10 ~~statute, except urgency statutes, statutes calling elections, and~~
11 ~~statutes providing for tax levies or appropriations for usual current~~
12 ~~expenses of the State a statute that takes effect immediately or a~~
13 ~~statute that is required to be submitted to the electors.~~

14 (b) A referendum measure may be proposed by presenting to
15 the Secretary of State, within 90 days after the enactment date of
16 the statute, a petition certified to have been signed by electors
17 equal in number to 5 percent of the votes for all candidates for
18 Governor at the last gubernatorial election, asking that the statute
19 or part of it be submitted to the electors. In the case of a statute
20 enacted by a bill passed by the Legislature on or before the date
21 the Legislature adjourns for a joint recess to reconvene in the
22 second calendar year of the biennium of the legislative session,
23 and in the possession of the Governor after that date, the petition
24 ~~may~~ *shall* not be presented on or after January 1 next following
25 the enactment date unless a copy of the petition is submitted to the
26 Attorney General pursuant to subdivision (d) of Section 10 ~~of~~
27 ~~Article II~~ before January 1.

28 (c) The Secretary of State shall then submit the measure at the
29 next general election held at least 31 days after it qualifies or at a
30 special statewide election held prior to that general election. The
31 Governor may call a special statewide election for the measure.

Second—That Section 8 of Article IV thereof is amended to read:

SEC. 8. (a) At regular sessions, no bill other than the budget bill ~~may shall~~ be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, ~~three-fourths~~ *three-fourths* of the membership concurring.

(b) The Legislature ~~may shall not~~ make ~~no~~ a law except by statute and ~~may shall not~~ enact ~~no~~ a statute except by bill. ~~No A bill may shall not~~ be passed unless it is read by title on ~~3~~ *three* days in each house, except that ~~the~~ *a* house may dispense with this requirement by rollcall vote entered in the journal, ~~two-thirds~~ *two-thirds* of the membership concurring. ~~No A bill may shall not~~ be passed until the bill with amendments has been printed and distributed to the ~~members~~ *Members*. ~~No A bill may shall not~~ be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) ~~of this subdivision~~, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) ~~Statutes~~ *A statute calling elections, statutes an election, a statute providing for a tax levies or appropriations levy, a statute making an appropriation for the usual current expenses of the State, and an urgency statutes statute, a statute enacting the budget*

1 *bill, and a statute enacting a budget implementation bill shall go*
2 *into effect immediately upon their enactment, except that a statute*
3 *enacting a budget implementation bill submitted to the electors*
4 *pursuant to subdivision (b) of Section 3 of Article XIII A shall go*
5 *into effect the day after the election at which the statute is approved*
6 *by the electors. For purposes of this section and Section 3 of Article*
7 *XIII A, a “budget implementation bill” is a bill that is identified*
8 *in the budget bill as containing only changes in law necessary to*
9 *implement the budget bill.*

10 (d) ~~Urgency statutes are those~~ *An urgency statute is a statute*
11 *necessary for immediate preservation of the public peace, health,*
12 *or safety. A statement of facts constituting the necessity shall be*
13 *set forth in one section of the bill. In each house the section and*
14 *the bill shall be passed separately, each by rollcall vote entered in*
15 *the journal, two-thirds two-thirds of the membership concurring.*
16 *An urgency statute may shall not create or abolish any office or*
17 *change the salary, term, or duties of any office, or grant any*
18 *franchise or special privilege, or create any vested right or interest.*

19 Third—That Section 12 of Article IV thereof is amended to
20 read:

21 SEC. 12. (a) Within the first 10 days of each calendar year,
22 the Governor shall submit to the Legislature, with an explanatory
23 message, a budget for the ensuing fiscal year containing itemized
24 statements for recommended state expenditures and estimated state
25 revenues. If recommended expenditures exceed estimated revenues,
26 the Governor shall recommend the sources from which the
27 additional revenues should be provided.

28 (b) The Governor and the Governor-elect may require a state
29 agency, officer, or employee to furnish whatever information is
30 deemed necessary to prepare the budget.

31 (c) (1) The budget shall be accompanied by a budget bill
32 itemizing recommended expenditures.

33 (2) The budget bill shall be introduced immediately in each
34 house by the persons chairing the committees that consider the
35 budget.

36 (3) The Legislature shall pass the budget bill by midnight on
37 June 15 of each year.

38 (4) Until the budget bill has been enacted, the Legislature shall
39 not send to the Governor for consideration any bill appropriating
40 funds for expenditure during the fiscal year for which the budget

bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) ~~No bill except~~ *Except for the budget bill may, a bill shall not* contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools *or appropriations made in the budget bill*, are void unless passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring. *For purposes of this section and Section 8, a "budget bill" is a bill that makes appropriations for the support of the government of the State for an entire fiscal year.*

(e) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all state agencies.

(f) For the 2004–05 fiscal year, or any subsequent fiscal year, the Legislature may not send to the Governor for consideration, nor may the Governor sign into law, a budget bill that would appropriate from the General Fund, for that fiscal year, a total amount that, when combined with all appropriations from the General Fund for that fiscal year made as of the date of the budget bill's passage, and the amount of any General Fund moneys transferred to the Budget Stabilization Account for that fiscal year pursuant to Section 20 of Article XVI, exceeds General Fund revenues for that fiscal year estimated as of the date of the budget bill's passage. That estimate of General Fund revenues shall be set forth in the budget bill passed by the Legislature.

Fourth—That Section 3 of Article XIII A thereof is amended to read:

Section 3. ~~From~~ *(a) Except as provided by subdivision (b), from* and after the effective date of this article, ~~any changes a change in a state taxes tax~~ enacted for the purpose of increasing revenues collected pursuant thereto, whether by ~~an increased rates rate or changes a change in methods the method~~ of computation, must be imposed by an ~~Act act~~ passed by not less than two-thirds of ~~all members elected to each of the two houses the membership of each house~~ of the Legislature, except that ~~no a new ad valorem taxes tax~~ on real property, or ~~a sales or transaction taxes tax~~ on the ~~sales sale~~ of real property ~~may, shall not~~ be imposed.

1 **(b)** *The Legislature may propose to the electors a change in a*
2 *state tax for the purpose of increasing revenue collected pursuant*
3 *thereto through a statute enacting a budget implementation bill.*
4 *A statute enacting a budget implementation bill submitted to the*
5 *electors pursuant to this subdivision shall become effective only*
6 *if it is approved by a majority of the votes cast thereon by the*
7 *electors. If provisions of two or more statutes enacting budget*
8 *implementation bills submitted to the electors pursuant to this*
9 *subdivision conflict, the provisions of the statute receiving the*
10 *highest affirmative vote from the electors shall prevail.*